

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF MORTGAGE LENDING

Before the Commissioner of the Division of Mortgage Lending

In the Matter of:

PRIMECAP LENDING, LLC
Mortgage Broker License No. 3943
NMLS ID No.: 1035749

Respondent.

Order No. 2015-014

Case No. 2015-014

FINAL ORDER
REVOKING MORTGAGE BROKER LICENSE
AND
IMPOSING ADMINISTRATIVE FINE
AND
ASSESSING INVESTIGATIVE COSTS

Issued and Entered,
This 20th day of July, 2015,
By James Westrin,
Commissioner

WHEREAS, the Commissioner of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Commissioner") is statutorily charged with the responsibility and authority to administer and enforce Chapter 645B of the Nevada Revised Statutes, NRS 645B.010 *et seq.* (the "Statute"), and Chapter 645B of the Nevada Administrative Code, NAC 645B.001 *et seq.* (the "Regulation") (collectively, the "Act"), governing the licensing and conduct of mortgage agents and mortgage brokers in the state of Nevada; and,

WHEREAS, on or about June 23, 2015, the Commissioner issued to Respondent NOTICE OF INTENT TO IMPOSE DISCIPLINE AND ADMINISTRATIVE FINE AND ASSESS INVESTIGATIVE COSTS AND NOTICE OF OPPORTUNITY FOR HEARING (the "Notice") attached hereto as Exhibit 1 and incorporated herein by this reference; and,

WHEREAS, on or about June 26, 2015, the Notice was served on Respondent by certified mail receipt requested (Article No. 7009 2250 0001 8859 0420) and First-Class U.S. Mail; and,

1 **WHEREAS**, the Notice advised Respondent that Respondent was entitled to an administrative
2 hearing in this matter if Respondent filed a written request for a hearing within 20 days of receipt of the
3 Order; and,

4 **WHEREAS**, Respondent failed to file a written request for a hearing within 20 days of receipt
5 of the Notice, as required by Chapter 645B of the NRS, specifically NRS 645B.750; and,

6 **WHEREAS**, all required notices have been issued in this matter and the notices and service
7 thereof were appropriate and lawful in all respects; and,

8 **NOW, THEREFORE**, based upon the factual findings set forth above and the files and records
9 of the Division of Mortgage Lending, **IT IS HEREBY ORDERED THAT:**

10 1. The findings of fact and conclusions of law set forth herein and in the Notice shall be
11 and hereby are found to be true and correct.

12 2. Respondent's Mortgage Broker License (MLD Lic. No. 3943 and NMLS ID No.
13 1035749), shall be and hereby is REVOKED. Respondent shall immediately return its original
14 mortgage broker license to the attention of the Commissioner at 7220 Bermuda Road, Suite A, Las
15 Vegas, Nevada 89119.

16 3. An ADMINISTRATIVE FINE in the amount of \$5,000.00 shall be and hereby is
17 imposed upon Respondent.

18 4. INVESTIGATIVE COSTS in the amount of \$435.00 shall be and hereby are assessed
19 against Respondent.

20 5. Payment of the ADMINISTRATIVE FINE and INVESTIGATIVE COSTS shall be due
21 to the Division no later than 30 days from the effective date of this ORDER as shown in the caption
22 hereof. Payment of the ADMINISTRATIVE FINE and INVESTIGATIVE COSTS shall be tendered to
23 the Division in accordance with the attached invoice.

24 6. This Order shall be and is effective on the date as issued and entered, as shown in the
25 caption hereof.

26 7. This Order shall remain in effect and fully enforceable until terminated, modified, or set
27 aside, in writing, by the Commissioner.

8. The Commissioner specifically retains jurisdiction of the matter(s) contained herein to issue such further order or orders as he may deem just, necessary, or appropriate so as to assure compliance with the law and protect the interest of the public.

IT IS SO ORDERED.

DIVISION OF MORTGAGE LENDING

By: 
JAMES WESTRIN
COMMISSIONER

EXHIBIT 1

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF MORTGAGE LENDING

Before the Commissioner of the Division of Mortgage Lending

In the Matter of:

PRIMECAP LENDING, LLC
Mortgage Broker License No. 3943
NMLS ID No.: 1035749

Respondent.

Case No.: 2015-014

NOTICE OF INTENT TO IMPOSE DISCIPLINE
AND
ADMINISTRATIVE FINE
AND
ASSESS INVESTIGATIVE COSTS
AND
NOTICE OF OPPORTUNITY FOR HEARING

The Commissioner of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending (the "Commissioner") is statutorily charged with the responsibility and authority to administer and enforce Chapter 645B of the Nevada Revised Statutes, NRS 645B.010 *et seq.*, and Chapter 645B of the Nevada Administrative Code, NAC 645B.001 *et seq.* (collectively, the "Act"), governing the licensing and conduct of mortgage agents and mortgage brokers in the state of Nevada; and,

The Commissioner is granted general supervisory power and control and administrative enforcement authority over all mortgage agents and mortgage brokers doing business in the state of Nevada pursuant to the Act; and,

Pursuant to that statutory authority granted to the Commissioner, Notice is hereby provided to PRIMECAP LENDING, LLC ("Respondent") to give Respondent notice of facts or conduct which, if true, will result in the issuance and entry of a final order imposing discipline, up to and including, revocation of license, an administrative fine and investigative costs against Respondent. Notice is further

1 provided to Respondent that Respondent is entitled to an administrative hearing to contest this matter if
2 Respondent timely files written application for an administrative hearing in accordance with instructions
3 set forth in Section III of this Notice.

4 I.

5 FACTUAL ALLEGATIONS

6 1. Respondent, while formerly known as Omega Capital Partners, LLC, made application for and
7 was granted a license as a mortgage broker, License No. 3943, on June 6, 2013, pursuant to provisions of
8 the Act. Respondent's change of name to that as currently identified, was approved by the Commissioner
9 on or about October 30, 2014.

10 2. At all times relevant herein, Respondent was licensed by the Commissioner as a mortgage broker,
11 pursuant to provisions of the Act, and subject to the jurisdiction of the Commissioner.

12 3. The staff of the Mortgage Lending Division ("Division") conducted an examination of
13 Respondent's business practices pursuant to NRS 645B.060(2)(d)-(e) for the period June 13, 2013
14 through April 30, 2014. From that examination, as reflected in the Division's Final Report of
15 Examination dated and mailed to Respondent on December 5, 2014, found that among the described
16 violations of the Act, Respondent failed to keep and maintain complete and suitable records; failed to
17 timely designate (despite three Division-granted deadline extensions) the natural person to act as
18 Respondent's qualified employee; failed to maintain trust accounts; and failed to fully cooperate with the
19 Division's examination, as demonstrated by its failure to produce for purposes of the examination as
20 requested by Division Staff, copies of complete check registers, deposit records, reconciliations and
21 related records for all bank accounts utilized by the firm, including cancelled checks and invoices, if
22 applicable. Accordingly, in its Final Report of Examination, in addition to the aforementioned described
23 documents, the Division set forth the list of records, accounts, documents and written explanations that
24 Respondent was required to submit to the Division within *30 days* of the date of the Final Report of
25 Examination.

26 4. To date, Respondent has failed to provide the Division with any of the records, accounts,
27 documents and written explanations as requested in the Final Report of Examination.
28

1 5. NRS 645B.075 requires each mortgage broker to cooperate fully with the audits and examinations
2 performed by the Division.

3 6. The Regulation requires each mortgage broker to produce the documents requested for purposes
4 of the examination conducted. Specifically, NAC 645B.066 provides as follows:

5 An examiner, auditor or investigator conducting an examination, periodic
6 or special audit, or investigation of a mortgage broker pursuant to paragraph
7 (c), (d) or (e) of subsection 2 of NRS 645B.060 may:

8 1. Require the mortgage broker to produce, for the purposes of the
9 examination, audit or investigation, all documents:

10 (a) Relating to business conducted by the mortgage broker pursuant to
11 this chapter or chapter 645B of NRS;

12 (b) Required to be kept by the mortgage broker pursuant to any federal
13 or state law or regulation; or

14 (c) Related to the operation of the business of the mortgage broker or
15 any affiliated business that conducts business activities which are directly
16 related to the business of the mortgage broker.

17 2. Inspect and copy any documents which are in the possession, control or
18 custody of the mortgage broker and which are related to business conducted
19 pursuant to this chapter or chapter 645B of NRS.

20 7. NAC 645B.068(6) further states:

21 If the examination and report reveal that a mortgage broker is operating in
22 violation of this chapter, chapter 645B of NRS or a previous order of the
23 Commissioner, the Commissioner may order the mortgage broker to take
24 any action the Commissioner deems necessary or appropriate to correct the
25 violation. The Commissioner may also take disciplinary action pursuant to
26 NRS 645B.670.

1 8. Contrary to the requirements of NRS 645B.075 and NAC 645B.066(1), Respondent has failed or
2 refused to submit to the Division, the records, accounts, documents, and written explanations requested
3 and required by the Division.

4 9. It is a violation of the Act for a mortgage broker to fail to conduct its business in accordance with
5 the Act or fail or refuse to submit required information or records. The Act further grants the
6 Commissioner the authority to impose an administrative fine or other discipline against a mortgage broker
7 that violates the Act. NRS 645B.670(1)(b)(2), NRS 645B.670(1)(b)(3), and NRS 645B.670(1)(b)(9)
8 specifically provide as follows:

9 (1) Except as otherwise provided in NRS 645B.690:

10 * * *

11 (b) For each violation committed by a mortgage broker, the Commissioner
12 may impose upon the mortgage broker an administrative fine of not more
13 than \$25,000, may suspend, revoke or place conditions upon the mortgage
14 broker's license, or may do both, if the mortgage broker, whether or not
15 acting as such:

16 * * *

17 (2) Is grossly negligent or incompetent in performing any act for which
18 the mortgage broker is required to be licensed pursuant to the provisions of
19 this chapter;

20 (3) Does not conduct his or her business in accordance with law or has
21 violated any provision of this chapter, a regulation adopted pursuant to this
22 chapter or an order of the Commissioner;

23 * * *

24 (9) Has refused to permit an examination by the Commissioner of his or
25 her books and affairs or has refused or failed, within a reasonable time, to
26 furnish any information or make any report that may be required by the
27 Commissioner pursuant to the provisions of this chapter or a regulation
28 adopted pursuant to this chapter[.]

1 10. Respondent's failure to submit the information requested and required by the Commissioner is a
2 violation of NRS 645B.670(1)(b)(2), NRS 645B.670(1)(b)(3) and NRS 645B.670(1)(b)(9), and
3 Respondent is, therefore, subject to the imposition of an administrative fine of up to \$25,000.00 for each
4 violation.

5 II.

6 NOTICE OF INTENT TO IMPOSE DISCIPLINE, FINE AND ASSESS COSTS

7 Based upon the factual allegations set forth in Section I above, Respondent is hereby given notice
8 that it is the intent of the Commissioner to issue and enter a final order against Respondent imposing
9 discipline, up to and including, revocation of license, an ADMINISTRATIVE FINE of \$5,000.00 and
10 INVESTIGATIVE COSTS of \$435.00. Prior to the issuance and entry of a final order Respondent is
11 entitled to an opportunity for administrative hearing to contest this matter if Respondent timely makes
12 written application for such hearing in accordance with the instructions set forth in Section III below.

13 III.

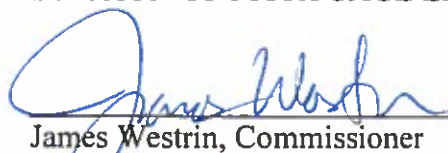
14 NOTICE OF OPPORTUNITY FOR HEARING

15 If Respondent wishes to exercise its right to an opportunity for an administrative hearing, within
16 20 days of the date of this Notice, Respondent must file a written application with the Commissioner to
17 request a hearing. The written application requesting a hearing must be delivered to and received by
18 the Division at:

19 Division of Mortgage Lending
20 Attn. Susan Slack
21 7220 Bermuda Road, Suite A
22 Las Vegas, Nevada 89119

23 If Respondent fails to timely file a written application with the Commissioner to request a hearing
24 to contest this matter, Respondent's right to a hearing will be deemed waived and relinquished.

25 DIVISION OF MORTGAGE LENDING

26 
James Westrin, Commissioner

27 Dated: 6/23/15
28

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF MORTGAGE LENDING

Before the Commissioner of the Division of Mortgage Lending

In the Matter of:

PRIMECAP LENDING, LLC
Mortgage Broker License No. 3943,
NMLS ID No. 1035749,

Respondent.

Case No.: 2015-014

REQUEST FOR INFORMAL CONFERENCE OR HEARING

I, _____ hereby request an informal conference or contested case hearing, as applicable, in the above-captioned matter.

CONTACT INFORMATION

(Provide contact information and check as applicable)

Home address: _____

Mailing address: _____

Home Phone: _____

Mobile Phone: _____

I **am not** represented by counsel and direct all documents and correspondence regarding this matter to be sent to me at the address represented above.

I **am** represented by counsel and direct all documents and correspondence regarding this matter to be sent to my counsel of record at the address provided in the attached appearance.
(Attorneys must attach and file an appearance with this response.)

Respectfully Submitted,

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on, June 23rd, 2015, I deposited in the U.S. mail, postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing NOTICE OF INTENT TO IMPOSE DISCIPLINE AND ADMINISTRATIVE FINE AND ASSESS INVESTIGATIVE COSTS AND NOTICE OF OPPORTUNITY FOR HEARING in the matter of PRIMECAP LENDING, LLC, addressed as follows:

Dennis Sheldon
PrimeCap Lending LLC
9501 Hillwood Drive, Suite 200
Las Vegas, NV 89134

Certified Receipt Number: 7009 2250 0001 8859 0420

DATED this 23rd day of June, 2015

By: Susan Slack
Employee of the Division

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on, July 21st, 2015, I deposited in the U.S. mail, postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing FINAL ORDER REVOKING MORTGAGE BROKER LICENSE AND IMPOSING ADMINISTRATIVE FINE AND ASSESSING INVESTIGATIVE COSTS in the matter of PRIMECAP LENDING, LLC, addressed as follows:

Sheldon Dennis
PrimeCap Lending LLC
9501 Hillwood Drive, Suite 200
Las Vegas, NV 89134

Certified Receipt Number: 7009 2250 0001 8859 0512

DATED this 20th day of July, 2015

By: Susan Slack
Employee of the Division